



Order Filed on January 7, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

McMANIMON, SCOTLAND & BAUMANN, LLC

427 Riverview Plaza

Trenton, New Jersey 08611

(973) 681-7979

Joseph R. Zapata, Jr., Esq.

jzapata@msbnj.com

Attorneys for Andrea Dobin, Chapter 7 Trustee

In re:

ALEXANDER J. FIGLIOLIA,

Debtor.

Case No. 17-20755 (KCF)

Honorable Kathryn C. Ferguson, U.S.B.J.

Chapter 7

**ORDER GRANTING ACCESS TO STORAGE UNIT PURSUANT TO
FEDERAL RULES OF CIVIL PROCEDURE 65(b)(1)(A) and (B)**

The relief set forth on the following page, numbered two (2) through three (3), is hereby
ORDERED.

(Page 2)

Debtor: Alexander J. Figliolia

Case No.: 17-20755 (KCF)

Caption of Order: Order Granting Access to Storage Unit Pursuant to Federal Rules of Civil Procedure 65(b)(1)(A) and (B)

THIS MATTER, having been presented to the Court by Andrea Dobin, the Chapter 7 Trustee (the “**Trustee**”) in the bankruptcy proceeding of Alexander J. Figliolia, Chapter 7 debtor (the “**Debtor**”), by and through her counsel, upon the filing of an *ex parte* application for entry of an order granting the Trustee access to the Debtor’s storage unit pursuant to Federal Rules of Civil Procedure 65(b)(1)(A) and (B) (the “**Application**”); and the Court having considered the papers in support of the Application; and good and sufficient cause existing for the granting of the *ex parte* relief as set forth herein without notice to the Debtor and/or the Debtor’s counsel,

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A. The trustee observed certain property located at 105 Middletown Road, Holmdel, New Jersey (the “**Property**”). The Trustee has further observed that the certain property is no longer on the premises.

B. Certain of the removed Assets are presumed to have been removed to storage unit(s) at U-Haul Storage of Manchester, including Unit 151 (collectively, the “**Units**”).

C. Injunctive relief is necessary to avoid any further removal, absconding and/or depletion of the Assets.

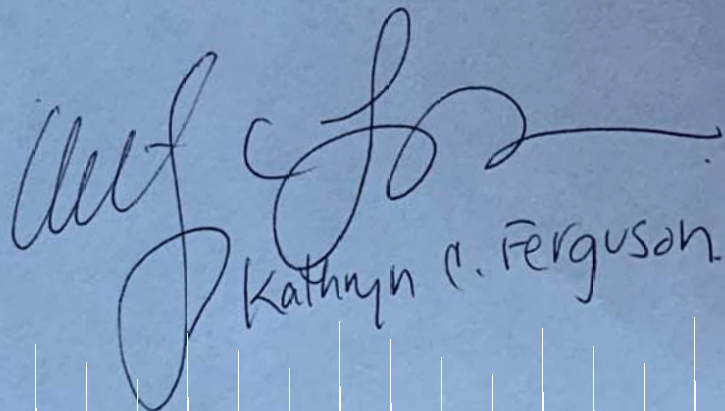
D. Removal of the Assets will result in irreparable harm to the estate as the specific assets removed will be unknown and leave the Trustee with no recourse with respect to the same.

E. Based upon the potential that such Assets were removed by the Debtor and placed in such Units, and the potential for the Debtor to remove the Assets before the Trustee can obtain access to the Units and control of the same, this temporary restraining order is being entered *without notice* to the Debtor and/or Debtor’s counsel.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Trustee is granted access to Unit 151 at the U-Haul Storage of Manchester, and any storage units at that location in the name of the Debtor (collectively, the "Units").
2. Any and all parties presented with this order be, and are hereby, directed to provide the Trustee with unfettered access and control of the Units. No entities, other than the Trustee and/or the Trustee's representatives, will be allowed access to the Units until further order of the Court and/or expiration of the restraints contained in this Order.
3. This Order will expire at 5pm on January 19, 2021, without prejudice to the Trustee seeking an extension of this Order and/or an agreement with the Debtor for a further extension.
4. A hearing shall be conducted on the Trustee's request for preliminary injunction on January 19, 2021 at 11:00 am. Telephonic appearances will be required to prosecute or object to the requested preliminary injunction.
5. The Trustee may be authorized to remove items from the Units after the hearing on the preliminary injunction.
6. Notice of the hearing must be provided to Debtor through his counsel by email no later than January 8, 2021
7. Any request to dissolve these temporary restraints may be made to the court on two days notice.

January 7, 2021
4:17 pm


Kathryn A. Ferguson